REMARKS

By the present response, Applicants have amended claims 1, 13, 16, 18, 23, 26 and 28 to further clarify the invention. Claims 1-32 remain pending in the present application.

In the Office Action, the Examiner has objected to claims 1, 13, 18, 23 and 27. Further, claims 28-32 have been rejected under 35 U.S.C. §101. Claims 16 and 26 have been rejected under 35 U.S.C. §112 second paragraph. Claims 1-3, 13, 18, 23 and 28 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,038,677 (Lawlor, et al.). Claims 4-12, 14-17, 19-22, 24-27 and 29-32 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Lawlor, et al. in view of U.S. Patent No. 7,069,558 (Stone, et al.).

Claim Objections

Claims 1, 13, 18, 23 and 27 have been objected to because of informalities. Applicants have amended these claims to further clarify the invention and respectfully request that these objections be withdrawn.

35 U.S.C. §101 Rejections

Claims 28-32 have been rejected under 35 U.S.C. §101. Applicants have amended these claims to further clarify the invention and respectfully request that these rejections be withdrawn.

35 U.S.C. §112 Rejections

Claims 16 and 18 have been rejected under 35 U.S.C. §112, second paragraph. Applicants have amended these claims to further clarify the invention and respectfully request that these rejections be withdrawn.

35 U.S.C. §102 Rejections

Claims 1-3, 13, 18, 23 and 28 have been rejected under 35 U.S.C. §102(b) as being anticipated by Lawlor, et al. Applicants respectfully traverse these rejections.

Lawlor, et al. discloses automatically generating and maintaining resource groups for a clustered computer network configuration. Resource groups are said to be generated "automatically" because the system administrator preferably is not directly

involved with defining what resources go within a particular group. Rather, the administrator merely identifies a set of resources that must be collocated with a given application in the event of a failure of a computer on which the application is then executing. One or more resource groups are then automatically generated using a set of collocation "constraints" or rules. A first collocation constraint preferably enforces any user-defined collocations for a given application, and a second constraint collocates disk partition resources residing on the same physical disk. A resource group generated in this manner ensures effective fault-tolerant operation.

Regarding claims 1, 13, 18, 23 and 28 Applicants submit that Lawlor, et al. does not disclose or suggest the limitations in the combination of each of these claims of, *inter alia*, tracking resources utilized in responding to a request or set of requests or performing a transaction or a set of transactions, or automatically defining resources that form an IT service by aggregating all resources to respond to all requests or to perform all transactions, or maintaining a record of a union of all resources utilized in responding to each instance of a request or transaction over a selected time period or on a rolling time period basis. The Examiner asserts that Lawlor, et al. discloses tracking resources utilized in responding to a request or set of requests or performing a transaction or a set of transactions, at column 2, lines 46-48. However, these portions merely disclose that an administrator identifies a set of resources that must be collocated with a given application in the event of a failure of a computer on which the application is then executing. This is not tracking resources utilized in responding to a request or set of requests or performing a transaction or a set of transactions, as recited in the claims of the present application. Lawlor, et al. merely discloses an administrator identifying a set of resources that must be collated in the event of a failure of a computer. Thus, the resources are identified by the administrator before and in advance of an event of a failure. This is not tracking resources utilized, as recited in the claims of the present application. Lawlor, et al. does not disclose or suggest the tracking of resources that have been utilized. Further, Lawlor, et al. does not disclose or suggest tracking resources utilized in responding to a request or set of requests or performing a transaction or a set of transactions. The resources disclosed in Lawlor, et al. are merely identified by an administrator in advance of a failure.

This is not tracking resources <u>in response to a request or a performing</u>, as recited in the claims of the present application.

Moreover, the Examiner asserts that Lawlor, et al. discloses automatically defining resources that form an IT service by aggregating all resources utilized to respond to all requests or to perform all transactions, and maintaining a record of a union of all resources utilized in responding to each instance of a request or transaction over a selected time period or on a rolling time period basis, at column 2, lines 48-50. However, these portions merely disclose that a system tool automatically generates one or more resource groups using a set of collocation constraints or rules. This is not automatically defining resources that form an IT service <u>by aggregating all resources utilized to respond</u> to all requests or to perform all transactions, as recited in the claims of the present application. Lawlor, et al. merely discloses automatically generating resource groups using collocation restraints or rules. Lawlor, et al. does not disclose or suggest aggregating resources <u>utilized to respond to all requests or to perform all transactions</u>.

Moreover, Lawlor, et al. does not disclose or suggest maintaining <u>a record of a union of all resources utilized in responding to an instance</u>, or maintaining the record of resources utilized in responding <u>over a selected time period or on a rolling time period basis</u>. There is no disclosure or suggestion in Lawlor, et al. of a union of all resources utilized over a selected time period or on a rolling time period basis.

Regarding claims 2 and 3, Applicant submits that these claims are dependent on independent claim 1 and, therefore, are patentable at least for the same reasons noted previously regarding this independent claim.

Accordingly, Applicants submit that Lawlor, et al. does not disclose or suggest the limitations in the combination of each of claims 1-3, 13, 18, 23 and 28 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

<u>35 U.S.C. §103 Rejections</u>

Claims 4-12, 14-17, 19-22, 24-27 and 29-32 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Lawlor, et al. in view of Stone, et al. Applicants respectfully traverse these rejections and submit that these claims are dependent on one of independent claims 1, 13, 18, 23 and 28 and, therefore, are patentable at least for the

same reasons noted previously regarding these independent claims. Applicants submit that Stone, et al. does not overcome the substantial defects noted previously regarding Lawlor, et al.

Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 4-12, 14-17, 19-22, 24-27 and 29-32 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

Conclusion

In view of the foregoing amendments and remarks, Applicants submit that claims 1-32 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 09-0461.

Respectfully submitted,

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